

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BRUCE THORNS,

Plaintiff,

vs.

S. RYAN, et al.,

Defendants.

CASE NO. 3:07-CV-00218-H-AJB

**ORDER REGARDING
PLAINTIFF'S EXHIBITS**

A trial in this case is set for February 23, 2010. On February 22, 2010, the Court held a status hearing in this case. Plaintiff is seeking to introduce various exhibits at trial, and Defendants object to some of the exhibits. After hearing the argument, the Court:

- GRANTS Defendants' objections to Plaintiff's **Exhibit 1** ("Report by Neal"). The parties indicated that this Exhibit is withdrawn pursuant to a stipulation;
- GRANTS Defendants' objections to Plaintiff's **Exhibit 4** ("Special Master's Report") on the grounds of FRE 403, lack of foundation and hearsay;
- DENIES Defendants' objections to Plaintiff's **Exhibit 6** ("Physicians' Orders");
- GRANTS Defendants' objections to Plaintiff's **Exhibit 11** ("Memorandum by Ochoa dated April 5, 2005") on the grounds of FRE 403, lack of foundation and hearsay;
- GRANTS Defendants' objections to Plaintiff's **Exhibit 12** ("Plaintiff's Declaration") on the grounds of FRE 403, lack of foundation and hearsay;
- DENIES Defendants' objections to Plaintiff's **Exhibit 13** ("Report by Ruan");
- GRANTS in part and DENIES in part Defendants' objections to Plaintiff's **Exhibit 19**

1 (“Letters re: 602 appeal”). The Court denies Defendants’ objections to the portion of
2 the Exhibit that includes letters authored by Plaintiff. The Court grants the objections
3 to the other documents on the grounds of hearsay and lack of foundation;

4 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 24** (“Crime Incident Report
5 by Castillo”) on the grounds of lack of foundation and hearsay;

6 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 25** (“Casillas’ Responses to
7 Requests for Admissions”). Plaintiff has indicated to the Court that he will not need
8 this Exhibit;

9 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 26**. Plaintiff has indicated to
10 the Court that he will not need this Exhibit;

11 • The Court GRANTS in part, DENIES in part and reserves its ruling with regard to
12 Plaintiff’s **Exhibit 30** (“O’Connell’s Responses to Requests for Admissions”). The
13 Court grants objections with regard to the document. If appropriate, however,
14 Plaintiff may use portions of the document, depending on witness testimony, at trial.

15 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 31** (“Crime Incident Reports
16 by Nieves, Limas, and Harmon”) on the grounds of lack of foundation and hearsay.
17 This Exhibit will not come in subject to a showing of necessity at trial;

18 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 32** (“Staff Reports”) subject to
19 further showing of necessity and relevance at trial;

20 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 35** (“O’Connell’s Responses
21 to Interrogatories”). Plaintiff may use this evidence for impeachment purposes;

22 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 38** (“Rules Violation
23 Report”). Parties have stipulated that plaintiff’s conviction was overturned, and
24 Plaintiff indicates that he will not need this Exhibit.

25 • DENIES Defendants’ objections to Plaintiff’s **Exhibit 39** (“Medical Report by Lai”);

26 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 40** (Affidavit by C. Trott”) on
27 the grounds of hearsay;


28 • GRANTS Defendants’ objections to Plaintiff’s **Exhibit 41** (“Supplemental Page

1 Appeal Log”). Plaintiff may testify how he obtained the TV and radio;

- 2 • DENIES Defendants’ objections to Plaintiff’s **Exhibit 42** (“Hearing Test”).

3 **IT IS SO ORDERED.**

4 DATED: February 23, 2010

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6 MARILYN L. HUFF, District Judge
7 UNITED STATES DISTRICT COURT
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